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July 1, 2022

Via ECF

Hon. Paul G. Gardephe, United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: USA v. Stuart Finkelstein
Docket No. 21-cr-217 (PGG)

Dear Judge Gardephe:

I am writing to request that Mr. Finkelstein be permitted to appear remotely, via telephone, for the change of plea proceeding on Tuesday, July 5, 2022. Mr. Finkelstein is living in Florida, and has appeared via telephone since the inception of this case over two years ago. He has never missed a telephonic court appearance.

In addition, Mr. Finkelstein would need to fly from Florida to New York over the Fourth of July Holiday weekend. As the news shows, flights this weekend are being cancelled at record rates across all airlines and all air routes. Given the cancellations¹ that are occurring, and will likely occur, over the course of the weekend, any travel plans are tentative at best. If Mr. Finkelstein is permitted to appear via telephone, as he has done during the past two years, the proceeding will start on time, with no issues.

¹ <https://www.foxbusiness.com/lifestyle/fourth-july-flight-delays-cancelations-2400-disrupted-thursday>; <https://www.newsweek.com/hundreds-flights-canceled-airlines-spark-4th-july-travel-chaos-1720579>

Hon. Paul G. Gardephe, United States District Judge

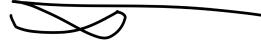
July 1, 2022

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The Government has no objection to this request.

In light of the foregoing, I am respectfully requesting that the change of plea proceeding scheduled for Tuesday, July 5 at 2 PM be held remotely.

Very truly yours,



David K. Bertan

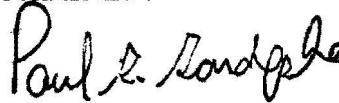
DKB

cc: AUSA Rushmi Bhaskaran(via e-mail and ECF)

MEMO ENDORSED:

The application is granted. The parties are directed to dial 888-363-4749 to participate, and to enter the access code 6212642. The press and public may obtain access to the telephone hearing by dialing the same number and using the same access code. The parties should call in at the scheduled time and wait on the line for their case to be called. At that time, the Court will un-mute the parties' lines. One day before the hearing, the parties must email Michael_Ruocco@nysd.uscourts.gov and GardepheNYSDChambers@nysd.uscourts.gov with the phone numbers that the parties will be using to dial into the hearing so that the Court knows which numbers to un-mute. The email should include the case name and case number in the subject line.

SO ORDERED.



Paul G. Gardephe
United States District Judge
Dated: July 1, 2022